

APPEAL NO. 021366
FILED JULY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 29, 2002. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the ninth quarter. Claimant appealed this determination contending that he had no ability to work during the qualifying period in question. Respondent self-insured (carrier herein) responded that the Appeals Panel should affirm the decision and order.

DECISION

We affirm.

We have reviewed the complained-of determinations regarding SIBs and good faith and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Claimant contends that carrier did not make a comparison between the factual situation of the previous qualifying period and the factual situation of the current qualifying period, citing Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.108(a) (Rule 130.108(a)).¹ We conclude that any such failure on carrier's part would involve a matter for the Division of Compliance and Practices. We perceive no reversible error.

¹ There was no issue in this regard reported out of the benefit review conference and this was not an issue at the hearing, though claimant raised it during closing argument.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge